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## APPENDIX F

SPECIAL CASES BOARD (SCB)  
(DELAYS AND EXEMPTIONS)

1. Purpose. The purpose of the SCB is to identify recalled Reservists who have significant personal, legal, medical, transportation, or other problems, requiring special attentions or affecting their mobilization. A SCB will convene to review the cases of individuals who believe they have reason for a delay or an exemption under personnel policies and criteria issued by BUPERS.

2. Policy

a. SECNAVINST 1001.10F, "Screening of the Ready Reserve" (NOTAL), is the primary means for ensuring personnel are given fair treatment and proper consideration in matters related to their mobilization responsibilities. BUPERSINST 1001.39B, "Administrative Procedures for the Selected Reserve and Drilling Members of the Individual Ready Reserve", provides requirements for screening Ready Reservists annually. The screening process will identify and remove individuals who are not mobilization ready from the Ready Reserve prior to the President or Congress declaring a war or a state of national emergency. However, there may be valid reasons for granting an individual a delay during mobilization and all SCB requests for delays will be considered. Factors to consider in developing specific delay and exemption criteria are varied and depend upon the contingency. Therefore, for each contingency, CNO (N1) will provide at the time of recall, specific guidance with the mobilization implementation directive. For mobilization planning purposes, the following information regarding SCBs should be considered:

(1) The SCB may grant a delay only when necessary and when justified under published criteria. Delays will not be used as a means for exempting personnel from active duty.

(2) The SCB will not grant an exception to Reservists experiencing temporary physical disabilities that prevent them from performing their mobilization job. Such individuals will be placed in less demanding jobs until physically qualified for reassignment.

(3) The SCB will not grant an exception to Reservists who are experiencing difficulties in arranging dependent care. In particular, Reservists who are single parents or who are married to another service member, whether on active duty or in a RC, are expected to make suitable dependent care arrangements to ensure

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immediate availability for mobilization. All commands must comply with MILPERSMAN Article 3810190, requiring each member to receive counseling and complete an OPNAV 1740/1, Navy Dependent Care Certificate.

(4) After a declaration of a state of national emergency or a state of war, Reservists will not be excused from their mobilization obligation due to civilian employment or occupations. Reservists should make advance arrangements to meet business, personal and other responsibilities to ensure they are capable of meeting required reporting times upon alert or notification.

(5) Effective upon declaration of a state of national emergency or a state of war, exemptions from mobilization will not be approved except when a screening review, per SECNAVINST 1001.10F (NOTAL), is already in process. New screening requests will not be accepted. Discharge or separation actions, in addition to delays, will be used when it would be in the best interest of the United States not to activate or to defer activation of individual Reservists.

(6) For training and planning purposes only: Reservists whose involuntary order to active duty would result in temporary, extreme personal or community hardship may, upon request, substantiated by adequate documentation or justification, be delayed for a period not to exceed 60 days beyond the date of mobilization, as deemed appropriate and approved by CHNAVPERS (BUPERS (Pers-9)).

### 3. Responsibilities

a. The SCB is to be established for and upon notification of all mobilization events and exercises. Reservists will receive a brief overview of the authority of the SCB and the criteria for requesting a delay or exemption.

b. Activated Reservists will be screened by the NRA maintaining their records. The commanding officer of the NRA will ensure interviews are conducted, the SCB evaluates the case, and the actions are documented per implementing mobilization directives. For individuals activated in support of Marine or Joint Forces, the NRA will coordinate activations and any delays or exemptions with the appropriate local Marine or Joint Force commanders. Reservists whose delay and exemption requests meet

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the guidelines established in SECNAVINST 1001.10F (NOTAL), should not be sent to the NMPS.

(1) The NMPS will conduct SCBs not identified at the NRA.

c. PIM personnel will receive screening at the NMPS. The LACMOB will ensure interviews are conducted, that the SCB evaluates the case, and ensure the actions are documented per implementing mobilization directives.

d. All SCBs will include a statement summarizing the cause, proceedings and disposition of each request. The LACMOB will prepare a NAVPERS 1070/613 to document the disposition of each case adjudicated. Figure F-1 provides the format for submitting a delay or exemption request.

e. Unless otherwise specified in the mobilization directory, the commanding officer of the order issuing authority or the LACMOB may authorize delays up to 7 days when a Reservist meets the criteria for a delay.

(1) Should it be judged that a delay of greater than 7 days is required, the process to request a longer delay should be initiated by the SCB or other NMPS staff after approval of the LACMOB or designee.

f. COMNAVRESFOR (for SELRES personnel) or the Commanding Officer, NAVRESPERSCEAN (for IRR, standby reserve, fleet reserve and retired personnel) may authorize delays up to 30 days.

g. Only the CHNAVPERNS may authorize delays for up to 60 days. The BUPERS SCB will be established by Pers-91.

(1) CHNAVPERNS (BUPERS (Pers-922)) will ensure that all Reservists who are delayed or exempted from mobilization are tracked.

h. The following individuals (upon designation by the LACMOB) may act on the LACMOB's behalf to approve, disapprove or modify SCB recommendations. This responsibility may not be delegated below the grade of O-3.

(1) NMPS's chief of staff/chief staff officer, operations officer and administrative officer.

(2) SRA's commander/deputy, chief of staff/chief staff officer, mobilization Officer, assistant mobilization officer, and personnel management officer.

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(3) NRA commanding officer and executive officer.

(4) PERSMOBTEAM commanding officer.

4. SCB. The SCB shall be activated for the duration of the mobilization process. At a minimum, the SCB will consist of a clerk and messenger in support of the following:

a. For SELRES: A Navy Judge Advocate General (JAG) Corps officer, a chaplain, and a line officer.

b. For PIM: Two Navy JAG Corps officers and a chaplain. It is also recommended that a line officer be present.

c. A member requesting special consideration for either delay or exemption, will be given the opportunity to meet with the SCB for a personal interview. Prior to the commencement of the interview, the senior member will introduce the members of the SCB along with their respective roles, and shall restate the authority of the board which includes:

(1) The SCB does not make any final decisions. The board merely makes a recommendation to the LACMOB or the LACMOB's designated representative.

(2) The authority of the LACMOB is limited to a 7-day delay.

(3) Normally, exemptions may only be granted if the recallee meets the requirements specified in COMNAVRESFORINST 3060.1B ADD-1 (only), Individual Addendum to the Pre-Mobilization Orientation Guide for the Selected Reserve; BUPERSINST 1001.39B, Administrative Procedures for the Selected Reserve and Drilling Members of the Individual Ready Reserve; and MILPERSMAN 1880240, Mobilization of the Ready Reserve.

d. When the interview is completed, the SCB will consider the facts surrounding the request as well as any extenuating circumstances which may be relevant and make a recommendation. The senior member of the board (the senior line officer if one is present, the senior officer or that person designated in writing) has the authority to make the final recommendation in the event that the board fails to come to a majority consensus. The SCB is to then provide their recommendation to the LACMOB or LACMOB's designated representative.

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e. The LACMOB has the following authority:

- (1) Decline the SCB's recommendation.
- (2) Accept the SCB's recommendation.
- (3) Accept the SCB's recommendation and if warranted, forward a recommendation to the appropriate authority that further delay or exemption be considered.

5. Delay/Exemption Criteria. Specific criteria for either a delay or exemption exists in certain documents or will be issued by BUPERS when a contingency recall/mobilization situation occurs. This criteria is contained in BUPERSINST 1001.39B, MILPERSMAN 1880240 and OPNAVINST 6110.1D, Physical Readiness Program.

a. Delay criteria include but are not limited to:

- (1) Situations that will lead to severe mental or physical personal hardship.
- (2) Situations that will lead to severe community hardship.
- (3) Cases in which a female member has recently given birth.

(4) Delays will not normally be given to those personnel experiencing difficulty in arranging for dependent care unless those difficulties are as a result of a recent major change in circumstances or to those personnel experiencing a temporary physical disability (condition impacting readiness for 30 days or less). In the case of a temporary physical disability, the member may be mobilized and placed in a less demanding assignment for which they are qualified.

b. Exemption criteria include but are not limited to:

- (1) Pregnancy in the second or third trimester.
- (2) Students who are enrolled in a course of graduate study or training of medicine, dentistry, veterinary medicine, osteopathy or optometry. In all cases, the member must provide the course of study leading up to awarding an M.D.
- (3) Doctors of medicine or osteopathy undergoing intern or residency programs when authorized by the mobilization directive.

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(4) Severe cases of personal or community hardship.

(5) Students who are preparing for the ministry in a recognized theological or divinity school.

(6) Students enrolled in full time high school and under 20 years of age.

(7) Reservists (officer and enlisted) who have not completed a 12-week basic training program.

c. During the review process for either a delay or exemption, if it becomes apparent that the member no longer seems able to perform the functions of a SELRES or Ready Reservist, the reserve activity is free to consider the transfer of the member to the PIM (IRR, Standby Reserve, Retired Reserve, etc.).

6. Status of Recallee while Delay/Exemption is Pending

a. A recallee is subject to the Uniform Code of Military Justice (UCMJ) once having been notified of recall (reported to the initial mobilization site) unless a determination is made that the recallee is not physically qualified. While under delay or awaiting the status of a delay/exemption request, the status of the recallee is not changed.

b. Should a delay be granted, it is imperative that the status of the recallee with respect to jurisdiction under UCMJ be made clear. This responsibility lies with either the reserve activity or PERSMOBTEAM commanding officer, as appropriate.

7. Fair Treatment. It is considered that the "fair treatment" requirements of 10 U.S.C. §673(a) will be satisfied through annual screening of the Selected Reserve. If additional consideration is to be given to the fair treatment criteria, appropriate guidelines will be specified in the implementation directive.

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FORMAT FOR REQUESTING DELAY AND EXEMPTION

FIGURE F-1

IMMEDIATE

O DDMMHHZMONYY

FM COMMAND (NRA, NMPS, COMNAVRESFOR OR NAVRESPERSCE) //

TO COMNAVRESFOR NEW ORLEANS LA//N32/OR BUPERS(PERS9) //

INFO BUPERS WASHINGTON DC//PERS91/PERS92 //

CNO OP ZERO ONE WASHINGTON DC//N312 //

CNO WASHINGTON DC//095 //

(APPROPRIATE NMPS) //

BT

UNCLAS//N03060 //

OPER/NAME //

MSGID/GENADMIN //

SUBJ/RESERVE ACTIVATION DEFERMENT/DELAY/EXEMPTION (AS APPLICABLE)

REQUEST ICO, NAME, RANK/RATE, SSN, DESIGNATOR (IF APPLICABLE) //

RMKS/1. A DESCRIPTION OF THE DEFERMENT/DELAY/EXEMPTION

REQUESTED: I.E., REASONS OF EXTREME PERSONAL HARDSHIP.

2. A DETAILED DESCRIPTION OF WHAT HAS BEEN DONE TO ALLEVIATE THE SITUATION.

3. A BRIEF STATEMENT OF HOW DELAY OR DEFERRAL ACTIONS WOULD EITHER ALLEVIATE OR RESOLVE THE PROBLEM.

4. THE NAME(S), ADDRESS(ES) AND AGES OF THE SERVICE MEMBER AND MEMBER'S DEPENDENTS.

5. THE NAME(S), ADDRESS(ES) AND AGE(S) AND RELATIONSHIP OF ALL OTHER IMMEDIATE FAMILY MEMBERS (INCLUDE: PARENT(S), BROTHER(S), AND SISTER(S) REGARDLESS OF LOCATION) (WHEN RELEVANT TO CONSIDERATION OF REQUEST; OTHERWISE NOT APPLICABLE).

6. SYNOPSIS OF MEDICAL DOCUMENTATION, (IF APPLICABLE), TO INCLUDE ATTENDING PHYSICIAN'S NAME, AREA CODE AND TELEPHONE.

7. LOCATION OF SERVICE AND MEDICAL RECORDS WITH POINT OF CONTACT AND AREA CODE AND TELEPHONE NUMBER.

8. OTHER PERTINENT DATA.

9. TELEPHONE NUMBER WHERE MEMBER MAY BE CONTACTED.

10. COMMANDING OFFICER'S ENDORSEMENT:

A. MUST CONTAIN A DEFINITE RECOMMENDATION, I.E., APPROVAL, DISAPPROVAL OR IF IN THE COMMANDING OFFICER'S OPINION THE DELAY/DEFERMENT/EXEMPTION IS NOT THE ANSWER TO THE PROBLEM, RECOMMENDATIONS AS TO THE PROPER COURSE OF ACTION.

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B. THE COMMANDING OFFICER'S BRIEF SYNOPSIS OF APPLICANT'S CASE. INCLUDE A STATEMENT AS TO WHAT ASSISTANCE HAS BEEN PROVIDED BY THE COMMAND AND LOCAL MILITARY AND CIVILIAN AGENCIES, I.E., CLERGY, SOCIAL WORKERS, NAVY RELIEF OR AMERICAN RED CROSS. ENSURE THAT THOSE AGENCIES, WHEN APPROPRIATE, HAVE BEEN CONTACTED TO GIVE ASSISTANCE.

C. APPLICANT'S DISCIPLINARY STATUS OR PENDING DISCIPLINARY ACTION. CASES OF MEMBERS AWAITING DISCIPLINARY ACTION WILL BE HELD IN ABEYANCE UNTIL DISCIPLINARY ACTION IS RESOLVED.

D. APPLICANT'S CURRENT DUTY STATUS, I.E., ON BOARD FOR DUTY, ON BOARD AT GAINING COMMAND OR IN AN APPROVED DELAY STATUS.

E. MISCELLANEOUS PERSONAL DATA: DATE MEMBER REPORTED ABOARD PRESENT COMMAND. (IF ENLISTED, DATE OF ENLISTMENT AND EXPIRATION OF ENLISTMENT OR EXTENSION, PEBD, ETC.)

F. INFORMATION CONCERNING OBLIGATED SERVICE, IF ANY.

G. COMMAND TO WHICH MEMBER WILL BE ASSIGNED (ACTUAL DEPLOYMENT DATA WILL LIKELY BE CLASSIFIED).

H. A BREAKDOWN OF ACTIVE DUTY EARNINGS AND WITHHOLDINGS, IF APPLICABLE.

I. OTHER PERTINENT DATA.

J. POINT OF CONTACT WITH NAME AND TELEPHONE NUMBER (DSN/COMMERCIAL WITH AREA CODE).

11. COMMANDING OFFICER WILL CERTIFY THAT ALL INFORMATION IS ACCURATE AND FACTUAL. ORIGINAL DOCUMENTS WILL BE HELD AT THE RESERVE SITE AND MADE AVAILABLE UPON REQUEST.

12. MESSAGES SENT TO COMPLY WITH 7-DAY NOTIFICATION PER REF A, SHOULD BE SENT TO COMNAVRESFOR NEW ORLEANS LA, CODE 02 AND BUPERS WASHINGTON DC, PERS 91/PERS 92.//

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